
From: Sweeney, Stephen
To: Evalenko, Sandy; Waye, Don
CC: Nelson, Tomeka; Lousberg, Macara; Ruf, Christine
Sent: 2/3/2014 11:07:16 AM
Subject: RE: Signature of Federal Register Notices associated with the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)

Reading your question again more closely, it may have been that the thought process re: AA signature on these documents relates to the fact that they are FR notices that do not change the stringency/etc. (because proposals are only proposals and nothing happens till the action goes final), so maybe it relates to Delegation 1-21(2)(a) ... because perhaps historically the RAs did not have delegated authority for that?

Just another guess.

Thanks,

Steve

From: Sweeney, Stephen
Sent: Monday, February 03, 2014 10:29 AM
To: Evalenko, Sandy; Waye, Don
Cc: Nelson, Tomeka; Lousberg, Macara; Ruf, Christine
Subject: RE: Signature of Federal Register Notices associated with the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)

Sandy,

Don may have a better answer, but my guess would be that the AA/OW signs the FR notice seeking comment primarily because the the logistics (and practical experience) of HQ getting documents into the FR. For the FINAL action (i.e., after taking public comment), there is no notice announcing the decision in the FR, but rather simply a letter from the RA. For the most part, the nuts and bolts implementation of CZARA is managed in the Regions and HQ's role is focused on maintaining consistency (or ensuring thoughtful and persuasive reasoning when Regions act differently).

Don, any other guesses?

Thanks,

Steve

p.s. Over time, the actual logistics of publishing the FR notices inviting public comment has, for the most part, been managed by NOAA HQ on behalf of NOAA and EPA.

From: Evalenko, Sandy
Sent: Monday, February 03, 2014 10:15 AM
To: Sweeney, Stephen; Waye, Don
Cc: Nelson, Tomeka; Lousberg, Macara; Ruf, Christine
Subject: Signature of Federal Register Notices associated with the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)

Good Morning: Last week I worked on a project to review OW's delegations to the AA. One that I thought was missing is associated with Delegation 31-1 under the Coastal Nonpoint Pollution Control Program. (I've attached the last CZARA FRN that we signed.) Ever since I've been in OW, the AA always signs the FRN announcing the decision to request comment on the disapproval of a states program. But the delegation below delegates the approval to the RAs subject to concurrence by the AA for Water. I figured that there

was some historic reason that the AA for water signs the FRN. Will someone let me know the history of this? Also, the delegation below is associated with the approval and disapproval and not signature of the FRN requesting public comment? Is this why the AA signs the FRN?

Thanks,

Sandy

31-1. Coastal Nonpoint Pollution Control Program

1200 TN 405

7/17/95

1. **AUTHORITY.** To approve or disapprove, pursuant to Section 6217 (c) (1) of the Coastal Zone Act Reauthorization Amendments of 1990, the Coastal Nonpoint Pollution Control Program submitted by each State and Territory within the Region that is subject to the requirements of Section 6217.
2. **TO WHOM DELEGATED.** Regional Administrators.
3. **LIMITATIONS.** Approval or disapproval is subject to advance concurrence by the Assistant Administrator for Water or designee.
4. **REDELEGATION AUTHORITY.**
This authority may not be redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. The Coastal Zone Act Reauthorization Amendments of 1990.
 - b. Documents described in the notice of availability of final Coastal Nonpoint Source Pollution State Program Guidance documents, which was published in the Federal Register, 58 FR 5182 (January 19, 1993), i.e., "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters," EPA 840-B-92-002 (January 1993), and "Coastal Nonpoint Pollution Control Program: Program Development and Approval Guidance," EPA and NOAA (January 1993).

Sandy Evalenko
Senior Regulatory Manager
Water Policy Staff
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U.S. Environmental Protection Agency
1201 Constitution Avenue (MC 4101m)
Washington, DC 20460
202-564-0264

From: Sweeney, Stephen
Sent: Thursday, December 05, 2013 2:01 PM
To: Evalenko, Sandy
Cc: Nelson, Tomeka; Lousberg, Macara; Waye, Don
Subject: RE: Attn Diane Jones-Coleman: Request for EXPEDITED Processing - WITH attachments this time!

Probably later this afternoon.

From: Evalenko, Sandy
Sent: Thursday, December 05, 2013 1:59 PM
To: Sweeney, Stephen
Cc: Nelson, Tomeka; Lousberg, Macara; Waye, Don
Subject: FW: Attn Diane Jones-Coleman: Request for EXPEDITED Processing - WITH attachments this time!

Steve: When do you think you'll send OGC's concurrence?

From: Lousberg, Macara
Sent: Thursday, December 05, 2013 1:38 PM
To: Evalenko, Sandy; Nelson, Tomeka
Subject: FW: Attn Diane Jones-Coleman: Request for EXPEDITED Processing - WITH attachments this time!

FYI, Don delivered the package to Diane Jones-Coleman, so not with us yet.

From: Waye, Don
Sent: Thursday, December 05, 2013 12:57 PM
To: Jones-Coleman, Diane
Cc: Nelson, Tomeka; Hall, Lynda; Lousberg, Macara
Subject: Attn Diane Jones-Coleman: Request for EXPEDITED Processing - WITH attachments this time!

The attachments would help. J

From: Waye, Don
Sent: Thursday, December 05, 2013 12:54 PM
To: Jones-Coleman, Diane
Cc: Lousberg, Macara; Nelson, Tomeka; Hall, Lynda
Subject: Attn Diane Jones-Coleman: Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Hi Diane,

I just place a Federal Register Notice Package on your chair for expedited processing. Macara is reviewing this at the supporting Proposed Findings Document that gets published with the FR Notice. OGC is wrapping up one final scrub of the Proposed Findings Document today, but all have signed off on the FR Notice (well, Macara is reviewing this now). See Macara's note below that we are positioning this to have Nancy sign the notice before she heads out of town next Monday.

Also, per the hand-note I left for you, a reminder that NOAA will sign the FR Notice after Nancy does. NOAA is also publishing the Notice and has requested that Nancy sign ALL 3 original Notices, but that she should leave the date field blank (for NOAA to fill in once they sign).

THANKS!!

From: Waye, Don
Sent: Thursday, December 05, 2013 12:18 PM
To: Lousberg, Macara
Cc: Hall, Lynda
Subject: RE: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Macara,

You are wonderful. Thanks again. NOAA emphasizes that 3 originals must be signed by Nancy Stoner, but that the date field needs to be blank (so that NOAA can date it after Nancy's counterpart at NOAA signs it). Since NOAA is handling the publishing of the notice, we defer to them on the process.

I am walking a folder of 3 hard copies of the notice down to you right now.

Don Waye
U.S. EPA - Nonpoint Source Control Branch
Phone: 202-566-1170
Coastal Zone Act Reauthorization Amendments of 1990 (CZARA)

From: Lousberg, Macara
Sent: Thursday, December 05, 2013 7:20 AM
To: Waye, Don
Cc: Sweeney, Stephen; Hall, Lynda
Subject: RE: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Hi Don. We will get this moving today. Hopefully we can get it to Nancy for signature tomorrow because she's on travel next Monday-Wednesday. If we find changes that need to be made though, sounds like we can still get it to her for signature next Thursday and meet your deadline. If OGC's review does end up with changes being made, please let us know ASAP. Thanks.

Macara

From: Waye, Don
Sent: Wednesday, December 04, 2013 6:16 PM
To: Lousberg, Macara
Cc: Sweeney, Stephen; Hall, Lynda
Subject: FW: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

I think we're on the same page now, Macara. We definitely hear a big clock ticking and want to get this in front of Water Policy Office eyeballs ASAP. Thanks!

-Don

From: Hall, Lynda
Sent: Wednesday, December 04, 2013 6:11 PM
To: Waye, Don; Sweeney, Stephen
Subject: Re: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Yes we should encourage Macara to proceed.

From: Waye, Don
Sent: Wednesday, December 04, 2013 6:09:57 PM
To: Sweeney, Stephen
Cc: Hall, Lynda
Subject: RE: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Okay. Thanks for that clarification. So Macara's review can proceed? We just want to get this in her queue ASAP, given the pressing deadline.

From: Sweeney, Stephen
Sent: Wednesday, December 04, 2013 6:08 PM
To: Waye, Don; Lousberg, Macara
Cc: Hall, Lynda; Nelson, Tomeka
Subject: RE: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Or, more precisely, the documents should clear OGC review tomorrow morning. We don't anticipate any pause or problems.

From: Waye, Don
Sent: Wednesday, December 04, 2013 6:05 PM
To: Lousberg, Macara
Cc: Hall, Lynda; Nelson, Tomeka; Sweeney, Stephen

Subject: Attn Macara - Request for EXPEDITED Review of Federal Register Notice & Proposed Findings Document for Oregon CZARA

Macara,

OWOW is requesting your expedited review of the two attachments. The FR Notice is required to be signed by both EPA and NOAA and published by 12/20/13 under the terms of a settlement agreement. (Actually, the requirement was for an 11/15 public notice, but we renegotiated with the plaintiff after the shutdown for 12/20.)

All of our management through Nancy Stoner & Ken Kopocis have been briefed (along with briefings with R10's RA and NOAA). These documents have cleared OGC review, as well. The goal is to get the final version of these documents in front of Nancy Stoner for her to sign the FR Notice not later than noon on 12/12 so her counterpart at NOAA can sign the notice by 12/16. Any later than that, and we will likely miss our deadline. NOAA is handling the actual typesetting/publishing of the FR Notice.

Thank you!

Don Waye
U.S. Environmental Protection Agency
Nonpoint Source Control Branch (OWOW/AWPD)

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Phone: (202) 566-1170	Fax: (202) 566-1331
Email: waye.don@epa.gov	Website: epa.gov/nps

From: Waye, Don
Sent: Wednesday, December 04, 2013 5:55 PM
To: Hall, Lynda
Subject: Attn Lynda - Oregon CZARA Federal Register Notice & Proposed Findings Document

Lynda,

Attached is what I hope is the FINAL Federal Register Notice and final proposed findings document for Oregon's coastal nonpoint program (barring any last-minute required edits from Macara Lousberg or our management). I checked with Tomeka and with Nancy Stoner's assistant and they both confirmed that these need to be reviewed by Macara in the Water Policy Office before being proffered for Nancy Stoner's signature. I will send these attachments to Macara. Meanwhile, will you please send them to our management in OWOW?

In the interest of time, I am suggesting that we do as much as possible electronically and cut back on formal transmittal memos, since everyone through Benita, Nancy & Ken Kopocis (not to mention NOAA and EPA R10) has already been briefed on this action.

Thank you!

Don Waye
U.S. Environmental Protection Agency
Nonpoint Source Control Branch (OWOW/AWPD)

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